

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1960**

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**Introduced by Assembly Member Lackey**

February 12, 2016

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An act to amend Section ~~471~~ of 34501.12 of, and to add Section 34500.6 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as amended, Lackey. ~~Pickup trucks.~~ Vehicles: Basic Inspection of Terminals program.

Existing law, the Basic Inspection of Terminals (BIT) program, makes it unlawful for a motor carrier to operate a specified type of vehicle, including, but not limited to, combination of a motortruck and a specified vehicle or vehicles that exceeds 40 feet in length when coupled together, without identifying to the Department of the California Highway Patrol all terminals, as defined, in this state where vehicles may be inspected by the department and where vehicle inspection and maintenance records and driver records will be made available for inspection. Existing law requires motor carriers to make vehicles and records available for inspection upon request by an authorized representative of the department.

This bill would exclude an agricultural vehicle from being subject to the BIT program, and would define agricultural vehicle to mean a vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating of 26,000 pounds or less if specified conditions are met, including that the vehicle is operated by certain individuals and is used exclusively in the conduct of agricultural operations.

~~Existing law defines a pickup truck to mean a motor truck with a manufacturer's gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 34500.6 is added to the Vehicle Code, to  
2     read:

3     34500.6. For purposes of this division, an agricultural vehicle  
4     is a vehicle or combination of vehicles with a gross combination  
5     weight rating or a gross vehicle weight rating of 26,000 pounds  
6     or less if all of the following conditions are met:

7     (a) Is operated by a farmer, an employee of a farmer, or an  
8     instructor credentialed in agriculture as part of an instructional  
9     program in agriculture at the high school, community college, or  
10    university level.

11    (b) Is used exclusively in the conduct of agricultural operations.

12    (c) Is not used in the capacity of a for-hire carrier or for  
13    compensation.

14    (d) The towing vehicle has a gross weight rating of 16,000  
15    pounds or less.

16    SEC. 2. Section 34501.12 of the Vehicle Code is amended to  
17    read:

18    34501.12. (a) Vehicles and the operation thereof, subject to  
19    this section, are those described in subdivision (a), (b), (e), (f), (g),  
20    (j), or (k) of Section ~~34500~~, 34500, except an agricultural vehicle  
21    as defined in Section 34500.6.

22    (b) It is unlawful for a motor carrier to operate any vehicle of  
23    a type described in subdivision (a) without identifying to the  
24    department all terminals, as defined in Section 34515, in this state  
25    where vehicles may be inspected by the department pursuant to  
26    paragraph (4) of subdivision (a) of Section 34501 and where  
27    vehicle inspection and maintenance records and driver records will  
28    be made available for inspection. Motor carriers shall make  
29    vehicles and records available for inspection upon request by an

authorized representative of the department. If a motor carrier fails to provide vehicles and records, an unsatisfactory terminal rating shall be issued by the department.

(1) The number of vehicles that will be selected for inspection by the department at a terminal shall be based on terminal fleet size and applied separately to a terminal fleet of power units and trailers, according to the following schedule:

Fleet Size	Representative Sample
1 or 2	All
3 to 8	3
9 to 15	4
16 to 25	6
26 to 50	9
51 to 90	14
91 or more	20

(2) The lessor of any vehicle described in subdivision (a) shall make vehicles available for inspection upon request of an authorized representative of the department in the course of inspecting the terminal of the lessee. This section does not affect whether the lessor or driver provided by the lessor is an employee of the authorized carrier lessee, and compliance with this section and its attendant administrative requirements does not imply an employee-employer relationship.

(c) (1) The department may inspect any terminal, as defined in Section 34515, of a motor carrier who, at any time, operates any vehicle described in subdivision (a).

(2) The department shall adopt rules and regulations establishing a performance-based truck terminal inspection selection priority system. In adopting the system's rules and regulations, the department shall incorporate methodologies consistent with those used by the Federal Motor Carrier Safety Administration, including those related to the quantitative analysis of safety-related motor carrier performance data, collected during the course of inspection or enforcement contact by authorized representatives of the department or any authorized federal, state, or local safety official, in categories, including, but not limited to, driver fatigue, driver fitness, vehicle maintenance, and controlled substances and alcohol

1 use. The department shall also incorporate other safety-related  
2 motor carrier performance data in this system, including citations  
3 and accident information. The department shall create a database  
4 to include all performance-based data specified in this section that  
5 shall be updated in a manner to provide real-time information to  
6 the department on motor carrier performance. The department  
7 shall prioritize for selection those motor carrier terminals never  
8 previously inspected by the department, those identified by the  
9 inspection priority selection system, and those terminals operating  
10 vehicles listed in subdivision (g) of Section 34500. The department  
11 is not required to inspect a terminal subject to inspection pursuant  
12 to this section more often than once every six years, if a terminal  
13 receives a satisfactory compliance rating as the result of a terminal  
14 inspection conducted by the department pursuant to this section  
15 or Section 34501, or if the department has not received notification  
16 by the system of a motor carrier operating while exceeding the  
17 threshold of the inspection selection priority system. Any motor  
18 carrier that is inspected and receives less than a satisfactory  
19 compliance rating, or that falls below the threshold of the selection  
20 priority system, shall be subject to periodic inquiries and  
21 inspections as outlined in subdivision (f), and these inquiries and  
22 inspections shall be based on the severity of the violations.

23 (3) As used in this section and Section 34505.6, subdivision (f)  
24 of Section 34500 includes only those combinations where the gross  
25 vehicle weight rating of the towing vehicle exceeds 10,000 pounds,  
26 but does not include a pickup truck or any combination never  
27 operated in commercial use, and subdivision (g) of Section 34500  
28 includes only those vehicles transporting hazardous material for  
29 which the display of placards is required pursuant to Section 27903,  
30 a license is required pursuant to Section 32000.5, or for which  
31 hazardous waste transporter registration is required pursuant to  
32 Section 25163 of the Health and Safety Code. Notwithstanding  
33 Section 5014.1, vehicles that display special identification plates  
34 in accordance with Section 5011, historical vehicles, as described  
35 in Section 5004, implements of husbandry and farm vehicles, as  
36 defined in Chapter 1 (commencing with Section 36000) of Division  
37 16, and vehicles owned or operated by an agency of the federal  
38 government are not subject to this section or Section 34505.6.

39 (d) It is unlawful for a motor carrier to operate, or cause to be  
40 operated, any vehicle ~~which~~ *that* is subject to this section, Section

1 34520, or Division 14.85 (commencing with Section 34600), unless  
2 the motor carrier is knowledgeable of, and in compliance with, all  
3 applicable statutes and regulations.

4 (e) It is unlawful for a motor carrier to contract or subcontract  
5 with, or otherwise engage the services of, another motor carrier,  
6 subject to this section, unless the contracted motor carrier has  
7 complied with subdivision (d). A motor carrier shall not contract  
8 or subcontract with, or otherwise engage the services of, another  
9 motor carrier until the contracted motor carrier provides  
10 certification of compliance with subdivision (d). This certification  
11 shall be completed in writing by the contracted motor carrier in a  
12 manner prescribed by the department. The certification, or a copy  
13 of the certification, shall be maintained by each involved party for  
14 the duration of the contract or the period of service plus two years,  
15 and shall be presented for inspection immediately upon the request  
16 of an authorized employee of the department. The certifications  
17 required by this subdivision and subdivision (b) of 34620 may be  
18 combined.

19 (f) (1) An inspected terminal that receives an unsatisfactory  
20 compliance rating shall be reinspected by the department within  
21 120 days after the issuance of the unsatisfactory compliance rating.

22 (2) When a motor carrier's Motor Carrier of Property Permit or  
23 Public Utilities Commission operating authority is suspended as  
24 a result of an unsatisfactory compliance rating, the department  
25 shall not conduct a reinspection for permit or authority  
26 reinstatement until requested to do so by the Department of Motor  
27 Vehicles or the Public Utilities Commission, as appropriate.

28 (g) A motor carrier issued an unsatisfactory terminal rating may  
29 request a review of the rating within five business days of receipt  
30 of the notification of the rating. The department shall conduct and  
31 evaluate the review within 10 business days of the request.

32 (h) The department shall publish performance-based inspection  
33 completion data and make the data available for public review.

34 (i) This section shall be known, and may be cited, as the Basic  
35 Inspection of Terminals program or BIT program.

36 (j) This section shall become operative on January 1, 2016.

37 ~~SECTION 1. Section 471 of the Vehicle Code is amended to~~  
38 ~~read:~~

39 ~~471. A "pickup truck" is a motor truck with a manufacturer's~~  
40 ~~gross vehicle weight rating of less than 11,500 pounds, an unladen~~

1 ~~weight of less than 8,001 pounds, and that is equipped with an~~  
2 ~~open box-type bed not exceeding 9 feet in length. “Pickup truck”~~  
3 ~~does not include a motor vehicle otherwise meeting the above~~  
4 ~~definition that is equipped with a bed-mounted storage~~  
5 ~~compartment unit commonly called a “utility body.”~~

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